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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/788,071

02/16/2001

David Frederick Bantz

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02/16/2006

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EXAMINER

SIMITOSKI, MICHAEL J

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,071

Applicant(s)

BANTZ ET AL.

Examiner

Michael J. Simitoski

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,10,11,16,17,19-22,26,27,32,33,35-38,42,43 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,10,11,16,17,19-22,26,27,32,33,35-38,42,43 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The response of 12/13/2005 was received and considered.
2. Claims 1, 3-6, 10-11, 16-17, 19-22, 26-27, 32-33, 35-38, 42-43 & 48 are pending.

Response to Arguments

3. In view of the appeal brief filed on 12/13/2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 5-6, 10-11, 16-17, 19, 21-22, 26-27, 32-33, 35, 37-38, 42-43 & 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,850,252 to **Hoffberg**, U.S. Patent 5,195,135 to **Palmer** and U.S. Patent 6,772,196 to Kirsch et al. (**Kirsch**).

Regarding claims 1, 17 & 33, Hoffberg discloses receiving requested content, retrieving a user profile for a requesting user, wherein the user profile includes parameters/factors for identifying objectionable content (col. 222, line 49 – col. 223, line 12), analyzing the requested content using the parameters/factors stored in the user profile of the requesting user (determining a correlation) to identify an amount/score of objectionable content based on the parameters for each of the plurality of categories/categorizations of objectionable content (col. 222, line 49 – col. 223, line 12) and determining a score/composite score for the requested content for each of the categories/categorizations of objectionable content based on the amount/weight and category/correlation factor categorization contained in the requested content (col. 222, line 49 – col. 223, line 12). Hoffberg lacks a plurality of thresholds including a threshold for each of a plurality of categories of objectionable content and lacks storing the requested content in an objectionable content data structure if a score for the requested content is above at least one threshold for at least one category of objectionable content. However, Palmer teaches that multivariate censorship (simultaneous censorship of several different subjects, with each subject censored to a different threshold) is useful because it takes into considerations varied tastes (for instance simultaneous censorship of nudity/sex to a level suitable to children and violence/mayhem to a level suitable for sophisticated adults) (col. 4, lines 25-32). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was

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made to modify Hoffberg to take into consideration a plurality of thresholds for each of a plurality of categories of objectionable content. One of ordinary skill in the art would have been motivated to perform such a modification to take into considerations varied tastes, as taught by Palmer (col. 4, lines 25-32). Further, Kirsch teaches an email filtering system where a signature is generated for a message and compared to signature record sets retrieved from a client signature database, determining a score for each of the various subsets. If it is unwanted, it can be sent to a "suspected UEM" inbound email queue to allow the user to later review (col. 7, lines 40-43). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hoffberg to store the requested content in an objectionable content data structure/"suspected UEM" queue if a score for the requested content is above at least one threshold for at least one category of objectionable content. One of ordinary skill in the art would have been motivated to perform such a modification to allow the user to later review the content, as taught by Kirsch (col. 7, lines 1-16 & 40-43).

Regarding claims 3, 6, 10-11, 16, 19, 22, 26-27, 32, 35, 38, 42-43 & 48, Hoffberg, as modified above, discloses providing at least one entry from the objectionable content data structure to a user (Kirsch, col. 7, lines 1-16), receiving input from the user categorizing the at least one entry as objectionable or non-objectionable (col. 223, lines 12-20) and adjusting at least one predetermined threshold within the plurality of thresholds if the input from the user categorizes the at least one entry as non-objectionable (col. 223, lines 12-20).

Regarding claims 5, 21 & 37, Hoffberg discloses the method performed on a client device/set top box (col. 219, lines 51-54).

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6. Claims 4, 20 & 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hoffberg, Palmer and Kirsch**, as applied to claim 1 above, in further view of UK Patent Application GB 2 347 053 A to **Jelbert**. Hoffberg lacks the method implemented in a proxy server. However, Jelbert teaches that if email filtering is implemented on a proxy server, little change needs to be made to the POP3 server and the client (p. 8, ¶2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hoffberg to implement the method in a proxy server. One of ordinary skill in the art would have been motivated to perform such a modification to avoid major changes to a client or server, as taught by Jelbert (p. 8, ¶2).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (571) 272-3841. The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m.. The examiner can also be reached on alternate Fridays from 6:45 a.m. – 3:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached at (571) 272-3838.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300
(for formal communications intended for entry)

Or:

(571) 273-3841 (Examiner's fax, for informal or draft communications, please label "PROPOSED" or "DRAFT")

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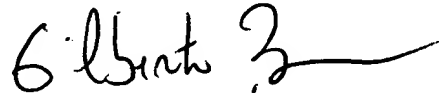
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MJS

February 7, 2006



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